

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LADANTE CARLOS MCNEARY,

Plaintiff,

v.

PORTAGE PUBLIC SAFETY
DEPARTMENT, et al.,

Defendants.

Case No. 1:20-cv-1

HON. JANET T. NEFF

ORDER

This is a civil rights action brought by a jail detainee under 42 U.S.C. § 1983. Defendants Mattson and Vesey filed a Motion for Summary Judgment and/or to Compel Discovery and Extend Dates (ECF No. 25). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on March 23, 2021 (ECF No. 30), recommending that Defendants' motion be granted; Plaintiff's amended complaint be dismissed with prejudice; and the Court include in its judgment Plaintiff's obligation to pay Defendants \$395.20 in costs previously imposed. The Report and Recommendation was duly served on the parties.¹ No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 30) is APPROVED and ADOPTED as the Opinion of the Court.

¹Service of the Report and Recommendation on Plaintiff was returned, marked "return to sender," "not deliverable as addressed" and "unable to forward" (ECF No. 31). Plaintiff has failed to keep the Court apprised of his current address.

IT IS FURTHER ORDERED that the Motion for Summary Judgment and/or to Compel Discovery and Extend Dates (ECF No. 25) is GRANTED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that Plaintiff's Amended Complaint is DISMISSED with prejudice for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any objections. See *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: April 20, 2021

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge